

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:07CV813-MHT
	)	
One Remington Rifle, Model 7400,	)	
30-06, Bearing Serial Number 8084 and	)	
One Marlin Rifle, Model 120,	)	
.22 Caliber,	)	
Bearing Serial Number 27367587	)	
	)	
Defendants.	)	
	)	

**ORDER**

By order entered January 10, 2008 (Doc. # 14), the court directed the United States to file "*evidence* of publication of the notice of forfeiture action or to provide *evidence*, on or before that date, that such publication is not required." (emphasis added). In response to the order, the United States filed a brief asserting that publication is not required as the firearms at issue are worth less than \$1,000 and the cost of publication exceeds their value. (Doc. # 16, p. 3). The court has before it no evidence of the value of the firearms or of the cost of publication and, thus, has no basis upon which to conclude that publication of the notice of forfeiture action is not required in this case.<sup>1</sup> Accordingly, it is

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<sup>1</sup> The warrant for arrest *in rem* prepared by counsel for the United States and signed by the District Judge on September 12, 2007 (Doc. # 2) directed the United States to "publish notice to all persons of this action and the procedures to be followed for making a claim as described in this Warrant in a manner consistent with Supplemental Rule G(4)(a)." (Doc. # 2, p. 2).

ORDERED that the United States is DIRECTED to file, on or before February 4, 2008, *evidence* in support of its contention that publication is not required.

It is further ORDERED that Rex A. May, Sr. may respond to the plaintiff's motion to strike (Doc. # 15) on or before February 7, 2008.

Done, this 29th day of January, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE